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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Ingo Speier

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P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

SMITH, COURTNEY L

ART UNIT

PAPER NUMBER

2835

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/567,179	Applicant(s) SPEIER, INGO	
	Examiner COURTNEY SMITH	Art Unit 2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-7, 10-15**, are rejected under 35 U.S.C. 102(e) as being anticipated by **(Schick 2006/0261470)**.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Regarding Claim 1, Schick discloses a thermally and electrically conductive apparatus **(Fig. 4)** to which one or more electronic devices **(412)** can be operatively connected, the apparatus comprising: a) a thermally conductive element **(416---Detailed Description 0059)** in thermal contact with the one or more electronic devices; and b) a multilayer coating system including two or more layers **(where the thermally conductive element is covered with dielectric--Detailed Description 0040, 0048 and 0050,**

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where the housing comprises a substrate comprising a thermally conductive portion, and wherein electrical traces are deposited on dielectric coating), said two or more layers being a sequence of electrically insulating and electrically conductive layers integrally formed on a portion of the thermally conductive element **(as already set forth)**, said electrically conductive layers providing one or more paths for supplying electric current to the one or more electronic devices **(Detailed Description 0059--where operative connection to a control system controlling the activation of the electronic devices).**

Regarding Claim 2, Schick discloses the thermally and electrically conductive apparatus **(Fig. 4)** according to claim 1, wherein one or more of the layers, of the multilayer coating system include circuit traces for connection of the one or more electronic devices thereto, thereby providing a means for controlling the one or more electronic devices individually or in one or more groups of electronic devices **(as already set forth in claim 1).**

Regarding Claim 3, Schick discloses the thermally and electrically conductive apparatus **(Fig. 4)** according to claim 1, wherein the thermally conductive element is electrically conductive and thereby capable of providing a path for supplying electric current to the one or more electronic devices **(as disclosed by Detailed Description 0040--where the evaporator portion is coated with dielectric material patterned to provide electrical traces for the supply of electrical current to the devices).**

Regarding Claim 4, Schick discloses the thermally and electrically conductive apparatus (**Fig. 4**) according to claim 1, wherein one or more of the two or more layers of the multilayer coating system are formed by deposition (**as set forth by Detailed Description 0050**). **Note:** 'deposition' is a method of manufacture and is not structurally distinguished from the prior art. (In re Johnson, 157 USPQ 670, 1968; In re Thorpe, 227 USPQ 964, 1985; **See MPEP 2113—Product by Process Claims**).

Regarding Claim 5, Schick discloses the thermally and electrically conductive apparatus (**Fig. 4**) according to claim 1, wherein the apparatus is coupled to a support structure (**support--as disclosed by Detailed Description 0032**) comprising a circuit carrier (**carrier---as disclosed by Detailed Description 0048**).

Regarding Claim 6, Schick discloses the thermally and electrically conductive apparatus (**Fig. 4**) according to claim 5, wherein the multilayer coating system is configured to matingly connect with the circuit carrier (**mating connection already set forth by Detailed Description 0032**), thereby providing one or more electrical connections between the support structure and the thermally and electrically conductive apparatus (**Detailed Description 0032---where the already disclosed thermally conductive element has an external support with means for mating a secondary portion, which already constitutes electrical connectivity, as already disclosed by Detailed Description 0040**).

Regarding Claim 7, Schick discloses the thermally and electrically conductive apparatus (**Fig. 4**) according to claim 6, wherein the thermally and electrically conductive apparatus is permanently connected to the support structure (**where the permanent connection is constituted by solder--Detailed Description 0067**). **Note: 'permanent connection' features are not asserted.**

Regarding Claim 10, Schick discloses the thermally and electrically conductive apparatus (**Fig. 4**) according to claim 5, wherein the support structure includes a heat dissipation system (**as disclosed by Detailed Description 0059-0060---where the already disclosed support structure is comprised of a thermal management system and is a heat pipe, and 0029 further discloses a peltier device**).

Regarding Claim 11, Schick discloses the thermally and electrically conductive apparatus (**Fig. 4**) according to claim 1, wherein the multilayer coating system is formed on an end of the thermally conductive element (**as set forth by Fig. 4, where the coating system is on an outer periphery of the thermally conductive element**).

Regarding Claim 12, Schick discloses the thermally and electrically conductive apparatus (**Fig. 4**) according to claim 1, wherein the multilayer coating system is formed on a side of the thermally conductive element (**as set forth by Fig. 4, where the coating system is on an outer periphery of the thermally conductive element**)..

Regarding Claim 13, Schick discloses the thermally and electrically conductive apparatus (**Fig. 4**) according to claim 1, wherein the multilayer coating system sheaths at least a portion of the thermally conductive element (**as set forth by Detailed Description 0040, where the thermally conductive element is coated by the layers**).

Regarding Claim 14, Schick discloses the thermally and electrically conductive apparatus (**Fig. 4**) according to claim 1, wherein the thermally conductive element is a passive thermal device selected from the group comprising heat pipe (**as disclosed by Detailed Description 0059-0060---where the thermally conductive element is a heat pipe, and further disclosed by 0029**).

Regarding Claim 15, Schick discloses the thermally and electrically conductive apparatus (**Fig. 4**) according to claim 1, wherein the thermally conductive element is an active thermal device selected from the group comprising thermoelectric cooler (**as disclosed by Detailed Description 0029---where the thermally conductive device is a peltier device**).

3. **Claims 8-9, and 16-18**, are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over (**Schick 2006/0261470**).

Regarding Claim 8, Schick discloses the thermally and electrically conductive

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apparatus **(as disclosed by Detailed Description 0040)** according to claim 6, **except**, explicitly wherein the thermally and electrically conductive apparatus is removably connected to the support structure. However, **Schick--(Detailed Description 0067 discloses individual partitions of the apparatus can be affixed by being screwed or bolted, which constitutes a removeable connection)** the thermally and electrically conductive apparatus is removably connected to the support structure. It would have been obvious to one having ordinary skill in the art at the time that the invention was made to provide the already disclosed apparatus of Schick with the removably connected apparatus of Schick-Detailed Disruption 0067 in order to maintain the apparatus, and allow for design flexibility in accordance to thermal management needs.

Regarding Claim 9, Schick discloses a thermally and electrically conductive apparatus **(Fig. 4)** according to claim 5, the thermally and electrically conductive apparatus **(as already set forth)**, **except** explicitly wherein the thermally and electrically conductive apparatus is embedded within the support structure. However, **Schick** discloses apparatus 616-Fig. 6 is embedded within support structure **(where 616 is embedded in aperture 628 or support structure 622)**. It would have been obvious to one having ordinary skill in the art at the time that the invention was made to provide the already disclosed apparatus of Schick with the embedded apparatus of Schick- in order to allow for effective thermal coupling to enhance the transfer of heat away from the electrical device.

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Regarding Claims 16-18, Schick discloses the thermally and electrically conductive apparatus (**Fig. 4**) according to claim 1, wherein the thermally conductive element has a shape of a curved element/cylinder/curvilinear (**as depicted b y Fig. 4, and otherwise set forth by Detailed Description 0060, where the thermally conductive element is formed into a hole**), and thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the thermally conductive element of Schick in shape of a curved element/cylinder/curvilinear, since the examiner takes Official Notice of the equivalence of the shape constituted by the thermally conductive element formed in the hole, as set forth at 0060 and the above mentioned shapes for their use art of cooling electrical components and the selection of any of these known equivalents to accomplish a desired heat transfer would be within the level of ordinary skill in the art.

Response to Arguments

4. Applicant's arguments filed 03/03/2010 have been fully considered but they are not persuasive. The applicant argues that Schick does not disclose a multiplayer coating system that includes two layers in sequence of electrically insulating and electrically conductive layers. The Examiner respectfully disagrees. It is to be noted that 418-Fig. 4 is a substrate coated with a dielectric layer for electrical isolation and electrical traces deposited thereon, as disclosed by Detailed Description 0050. The applicant further comments that '416-Fig. 4 cannot be used to teach different elements.

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The applicant shall be mindful that 416 only denotes the thermally conductive element that is formed into a hole of the coating system 418--Detailed Description 0060, and thus Schick hereby presents a disclosure that explicitly reads on the assertion of claim 1. The Examiner would also like to apprise to the applicant that claim 1 only comprises a multilayer coating system including an insulating and a conductive layer, and has failed to structurally assert or argue the claimed features in such a way to distinguish the claim(s) over the prior art.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to COURTNEY SMITH whose telephone number is (571)272-9094. The examiner can normally be reached on M-F 7:30 am-5 pm (1st Fri. off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayprakash Gandhi can be reached on 571-272-3740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. S./
Examiner, Art Unit 2835

/Jayprakash N Gandhi/
Supervisory Patent Examiner, Art Unit 2835